

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

O.J., a minor, by and through his father,
M.J.,

Plaintiff,

v.

CHAPPAQUA CENTRAL SCHOOL
DISTRICT, CHAPPAQUA CENTRAL
SCHOOL DISTRICT BOARD OF
EDUCATION, DR. CHRISTINE
ACKERMAN, Superintendent of
Chappaqua Central School District, in her
individual capacity, and DR. SANDRA
SEPE, Principal of Horace Greeley High
School, in her individual capacity,

Defendants.

No. 24 Civ. 2830

Hon. Nelson S. Roman

**NOTICE OF PLAINTIFF'S
MOTION FOR
PRELIMINARY
INJUNCTION**

Under Federal Rule of Civil Procedure 65(a) and Local Civil Rule 7.1, Plaintiff O.J., by and through his father, M.J., moves for a preliminary injunction on his third claim against Defendants Chappaqua Central School District and Chappaqua Central School District Board of Education for their unconstitutional punishment of his protected speech. O.J. respectfully requests that this Court require the Defendants to return O.J.'s high school record to the status quo preceding the current controversy by expunging O.J.'s October 2022 three-day out-of-school suspension from his high school record pending final judgment in this Court.

As detailed in the accompanying memorandum of law, O.J. is likely to succeed on the merits of Claim 3 because Defendants suspended him for First Amendment-protected off-campus expression, violating binding Supreme Court and Second Circuit precedent. Put simply, O.J.'s speech had nothing to do with his school or anyone in it and caused no actual or reasonably foreseeable disruption at school. O.J. will, however, face irreparable harm absent this Court granting his motion for a preliminary injunction because, among other reasons, O.J. will have to disclose his suspension on college applications when he applies this fall.

In support of this motion, O.J. relies on (1) the accompanying Memorandum of Law in Support of Plaintiff's Motion for Preliminary Injunction; (2) the accompanying Declaration of M.J. in Support of Plaintiff's Motion for Preliminary Injunction and attached exhibits; and (3) O.J.'s Verified Complaint in this matter (ECF No. 1). In accordance with SDNY Electronic Case Filing Rule 13.18, O.J. also files a proposed order along with this motion.

O.J. respectfully requests that this Court grant his motion for a preliminary injunction and enter his proposed order requiring Defendants to expunge the suspension from his high school record such that, until the entry of a final judgment in this case, (a) the Defendants shall remove any reference or records related to the October 2022 suspension from O.J.'s educational file, (b) the Defendants shall not add any reference or records related to the October 2022 suspension to O.J.'s educational file, and (c) the Defendants shall not otherwise take any action that treats the suspension as if it occurred, including for the purposes of progressive

discipline or by providing information referring to the October 2022 suspension or information related to it to post-secondary institutions, financial aid programs, or employers to which O.J. applies.

Respectfully submitted,

Dated: May 31, 2024

/s/ Colin P. McDonell

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